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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,684	09/28/2000	Neal Goldstein	PM 12607	7405
7590	01/27/2004		EXAMINER	
Pillsbury winthrop llp Intellectual Property Group 11682 El Camino Real Suite 200 San Diego, CA 92130			BROWN, TIMOTHY M	
			ART UNIT	PAPER NUMBER
			1648	
			DATE MAILED: 01/27/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/672,684	GOLDSTEIN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Tim Brown	1648

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 November 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 and 23-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-21 and 23-27 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

This Final Office Action is responsive to Applicants' amendment and reply submitted November 7, 2003 ("Reply").

### ***Response to Arguments***

#### **Claims 1, 8 and 17**

Applicants argue Lupien does not teach "a plurality of customer side systems adapted to communicate with customer systems." Reply, p. 11. The Examiner respectfully disagrees. First, Lupien teaches "a plurality of customer side systems" through its description of a collection of client systems for submitting market orders. Fig. 1, char. 15. Furthermore, Lupien's client systems are adapted to communicate with one another. Lupien provides that after a user submits an order from CPU 15, the order is distributed to and displayed on other client CPUs. Col. 3, lines 37-43. Thus, each client CPU 15 both communicates order data, and receives order data from other client CPUs. Therefore, Lupien teaches "a plurality of customer side systems adapted to communicate with customer systems."

#### **Claims 21-27**

Applicants argue Lupien does not teach the limitations of claim 21. In particular, Applicants make the following points:

- a. Lupien does not teach receiving a transaction request at one of a plurality of customer facing systems, and creating a record of the transaction request.

First, the Examiner notes Lupien teaches receiving a transaction request at one of a plurality of customer facing systems in that Lupien provides that each client CPU 15 may enable data analysis and the execution of buy and sell orders. Col. 6, lines 35-40. Second, Lupien provides that clients and brokers have the ability to view information pertaining to pending, executed and canceled client orders. Col. 7, lines 15-19. Providing this ability to view client orders requires that the orders be saved in a storage medium. Accordingly, Lupien teaches creating a record of the transaction request. Based on the foregoing, Lupien teaches receiving a transaction request at one of a plurality of customer facing systems, and creating a record of the transaction request.

b. Lupien does not teach "writing the transaction request record to data storage associated with the receiving customer facing system, a replicating the transaction request record to data storage data associated with each of the other customer facing systems."

The Examiner submits Lupien teaches this feature. According to Lupien, disc 12 functions as a central storage having information relating to pending transactions to be carried out by the system. Col. 6, lines 15-20. Thus, Lupien teaches writing the transaction request record as recited in claim 21. Furthermore, Lupien provides that individual client systems may download this data to separate storage device 14. Thus, Lupien also teaches replicating the transaction record among a plurality of client systems as claimed. Accordingly, Lupien teaches "writing the transaction request record to data storage associated with the receiving customer facing system, a

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replicating the transaction request record to data storage data associated with each of the other customer facing systems."

c. Lupien does not teach "sending the transaction request from the receiving customer facing system to one of a plurality of street side systems, and executing the transaction request at the receiving street side system."

The Examiner submits Lupien teaches this feature. This is clear from the fact that Lupien provides that "the disclosed system uses data processing equipment to place buy and sell orders on securities markets and with automated brokers to execute trade directly between users of the system and external markets." Abstract, lines 6-10.

d. Lupien does not teach "creating a record of the transaction execution, writing the transaction execution record to data storage associated with the executing street side system, and replicating the transaction execution record to data storage associated with the executing street side system, and replicating the transaction execution record to data storage associated with each of the customer facing systems."

The Examiner respectfully submits Lupien teaches these steps. As noted above, Lupien provides that each client CPU may view information pertaining to executed client orders. Col. 7, lines 15-19. Enabling client CPUs to view this information requires that a record of each client's executed orders be saved in a storage medium. Accordingly, Lupien teaches creating a record of the transaction execution and writing it to a data storage. Furthermore, Lupien teaches replicating the transaction record to data storage

associated with each customer system. This follows from the fact that Lupien's system lets individual download this data to separate storage device 14. Col. 6, lines 16-26. Based on the foregoing, Lupien teaches the creating, writing and replicating steps recited in claim 21.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-21 and 23-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Lupien et al. (US 5,101,353) ("Lupien").**

Lupien anticipates the claimed invention by disclosing an electronic commerce system, which comprises:

a plurality of customer facing systems, each of said customer facing systems including means for processing customer orders and means for processing customer inquiries, and each of said customer facing systems having associated therewith authoritative data that is writable to by said customer facing system and read-only data (Abstract; col. 3, lines 37-42; col. 6, lines 15-20; col. 7, lines 27-30; col. 11, lines 47-; and col. 12, lines);

a plurality of street side systems, each of said street side systems including means for executing orders received from a customer facing system, and each of said street side

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systems having associated therewith authoritative data that is writable to by said street side system and read-only data (col. 3, lines 50-57; col. 6, lines 60-65; and col. 7, lines 15-19);

means for replicating data records written to said authoritative data of any one of said street side and systems to the authoritative data of each of the other street side systems (col. 3, lines 50-57);

means for replicating data records written to said authoritative data of any one of said customer facing systems to the authoritative data of each of the other customer facing systems (Abstract).

Lupien further teaches a firm side system having associated therewith authoritative data that is writable to by said firm side system and read-only data; means for replicating data written to said authoritative data of said firm side system to the read-only data of said customer facing system and said street side system; means for replicating data records written to said authoritative data of said customer facing systems to said read-only data of said firm side system; and means for replicating data records written to said authoritative data of said street side system to said read-only data of said firm side system. Col. 9, lines 43-67.

Lupien further teaches said means for processing customer orders including: means for creating a transaction record for said order; and means for writing said transaction record to the authoritative data associated with said customer facing system. Id.

Finally, Lupien teaches said means for responding to customer inquiries further comprising means for aggregating transaction records in said authoritative data associated with said customer facing system to determine status of a transaction. Id.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 28-35 and 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lupien in view of Wilson (US 5,864,827).**

Lupien teaches all the limitations discussed under claims 1-21 and 23-27. Lupien does not expressly teach a *system, and method of use therefore, wherein the customer facing system is provided with a network that is adapted to provide asynchronous communication with the customer systems, by routing communication to the customer systems through a gateway*. However, Wilson teaches a system and method for providing an information gateway wherein a plurality of client systems are permitted to communicate with one another to complete a financial transaction. Abstract; col. 2, lines 46-54; col. 3, lines 24-27; and col. 4, lines 9-33. At the time of Applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Lupien to include the teachings of Wilson. Providing a *system wherein the customer facing system is provided with a network that is adapted to provide asynchronous communication with the customer systems, by routing communication to the customer systems through a gateway* would provide an open channel for communication among customers thereby enhancing the ability of customers to make informed purchasing decisions.

**Claims 36, 37 and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lupien in view of Tull, Jr. et al. (US 5,946,67) (“Tull”).**

Lupien teaches all the limitations discussed under claims 1-21 and 23-27. Lupien does not expressly teach “logic for determining a best estimate of said status of said transaction.” However, Tull teaches a financial processing system having programming for estimating information about trade transactions that have not closed. Col. 4, lines 23-36. At the time of Applicants’ invention, it would have been obvious to one of ordinary skill in the art, to modify Lupien to include the teachings of Tull. Equipping Lupien with “logic for determining a best estimate of said status of said transaction” would provide users with an indication of the status of a pending transaction thereby allowing users to adjust their investment behavior accordingly. For example, if a trade is estimated to be complete, a user would know to avoid further activity with respect to that trade.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

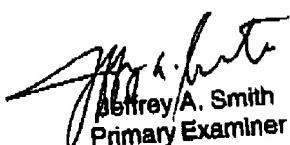
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Brown whose telephone number is (703) 305-1912. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Housel can be reached on (703) 308-4027. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306 for regular and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

Tim Brown  
Examiner  
Art Unit 1648

tb  
January 26, 2004



Jeffrey A. Smith  
Primary Examiner